

GEKP

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

KHALIF ANUTANI

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16 4219

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PLAINTIFF

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vs

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VERIFIED CLAIM FOR DAMAGES

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JURY TRIAL DEMANDED

PERFORMANT RECOVERY INC

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DEFENDANT

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}

COMES NOW Khalif Anutani complaining of the defendant as follows:

INTRODUCTION

1. Plaintiff brings this action against defendants for obtaining plaintiff's credit file with a permissible purposes as defined in the Fair Credit Reporting Act as a result plaintiff seeks damages.

JURISDICTION

2. This Court has jurisdiction under 15 U.S.C § 1681p and 28 U.S.C § 1331.
3. All condition precedent to bringing this action has been performed.

PARTIES

4. The Plaintiff is this lawsuit is Khalif Anutani, a natural person, who resides in philadelphia county, Pennsylvania.
5. The defendant is this lawsuit is PERFORMANT RECOVERY INC. a corporation registered to do business in pennsylvania with their principal place of business in 333 NORTH CANYONS PARKWAY, SUITE 100 LIVERMORE, CA 94551

VENUE

6. The Occurrences which gives rise to this action occurred in Philadelphia County, Pennsylvania and resides in philadelphia county, Pennsylvania.
7. Venue is proper in the Eastern District of Pennsylvania Philadelphia Division.

FACTUAL ALLEGATIONS

8. Plaintiff pulled his consumer reports from the three major credit reporting agencies and found entries by entities that he was unfamiliar with in the the reports.

9. Plaintiff determined that his consumer credit report has been pulled on various occasions by various entities plaintiff did not recognize and without his consent.
10. Plaintiff found after examination of his Transunion consumer credit report that Defendant PERFORMANT RECOVERY INC has pulled Plaintiff's Transunion consumer credit report on August 8th 2015.
11. Discovery of the violation brought forth herein occurred on July 11th 2016 and are within the statute of limitations as defined in FCRA, 15 U.S.C § 1681p.
12. Plaintiff has never had any account with defendant or any of its alleged predecessors in which money, property or services were the subject of a consumer transaction and used for personal, family and household purposes.

COUNT 1

VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA) 15 U.S.C § 1681 WILLFUL NON-COMPLIANCE BY DEFENDANT

13. All paragraphs of this Complaint are expressly adopted and incorporated herein as if fully set forth herein.
14. Plaintiff is a consumer within the meaning of 15 U.S.C § 1681(a)(c)
15. Consumer credit report is a consumer report within the meaning of 15 U.S.C § 1681(a)(d)
16. Transunion is a credit rating agency within the meaning of 15 U.S.C § 1681 (a)(f)
17. The FCRA 15 U.S.C § 1681b defines the permissible purpose in which any person may obtain a consumer credit report.
18. Such permissible purposes are defined in 15 U.S.C §1681b are generally, if a consumer makes an application for credit, makes an application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer or credit as a result of inquiry.
19. Plaintiff has never had any business dealings or accounts with, made application of credit from, made application of employment with, applied for insurance from, or received a bona fide offer of credit from the defendant.
20. At no time did plaintiff give consent for defendant to acquire his consumer report from any credit reporting agency.
21. On August 8th 2015 defendant obtained Plaintiffs Transunion consumer credit report with no permissible purpose in violation of FCRA, 15 U.S.C § 1681b.
22. The action of Defendant obtaining the consumer report of the Plaintiff with no permissible purpose or Plaintiff's consent was a willful violation of FCRA, 15 U.S.C § 1681b and an egregious violation of Plaintiff's rights to privacy.

WHEREFORE, Plaintiff demands judgment for damages against defendant, for statutory damages of \$1000, attorneys fees, and cost pursuant to 15 U.S.C § 1681n.

COUNT II

**VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681
NEGLIGENT NON-COMPLIANCE BY DEFENDANT**

- 23. Paragraphs 1-21 are realleged as though full set forth herein
- 24. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C § 1681a(c)
- 25. Transunion is a credit reporting agency within the meaning of the FCRA, 15 U.S.C §1681a(f)
- 26. Consumer credit report is a consumer report within the meaning of the FCRA, 15 U.S.C §1681b defines the permissible purpose for which a person may obtain a consumer credit report.
- 27. Defendant obtained Plaintiff's Transunion consumer credit report negligently on August 8th 2015 with no permissible purpose under the FCRA, 15 U.S.C § 1681b and thereby damaged plaintiff by causing Plaintiff's anxiety.

WHEREFORE, Plaintiff demands judgement for damages against Defendant for statutory damages, actual damages, attorney's fees, and cost pursuant to 15 U.S.C § 1681o.

DATED: 7/25/2016

RESPECTFULLY SUBMITTED BY:



Khalif Anutani - Consumer